

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

WINERIES OF THE OLD MISSION  
PENINSULA (WOMP) ASSOC., a Michigan  
Nonprofit Corporation, BOWERS HARBOR  
VINEYARD & WINERY, INC, BRY'S WINERY,  
LLC, CHATEAU GRAND TRAVERSE, LTD,  
CHATEAU OPERATIONS, LTD, GRAPE  
HARBOR, INC., MONTAGUE  
DEVELOPMENT, LLC, OV THE FARM, LLC,  
TABONE VINEYARDS, LLC., TWO LADS,  
LLC, VILLA MARI LLC, WINERY AT BLACK  
STAR FARMS, L.L.C.,

Case No: 1:20-cv-01008

Honorable Paul L. Maloney  
Magistrate Ray S. Kent

Plaintiffs,

v

PENINSULA TOWNSHIP, Michigan Municipal  
Corporation,  
Defendant.

ORAL ARGUMENT REQUESTED

---

MILLER, CANFIELD, PADDOCK  
AND STONE, PLC  
*Attorneys for Plaintiffs*  
Joseph M. Infante (P68719)  
Stephen M. Ragatzki (P81952)  
Christopher J. Gartman (P83286)  
99 Monroe Avenue NW, Suite 1200  
Grand Rapids, MI 49503  
(616) 776-6333  
infante@millercanfield.com  
gartman@millercanfield.com

FOLEY & MANSFIELD, P.L.L.P.  
*Attorneys for Defendant*  
Gregory M. Meihn (P38939)  
Matthew T. Wise (P76794)  
130 East 9 Mile Road  
Ferndale, MI 48220-3728  
(248) 721-4200 / Fax: (248) 721-4201  
gmeihn@foleymansfield.com  
mwise@foleymansfield.com

---

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiffs, WINERIES OF THE OLD MISSION PENINSULA (WOMP) ASSOC.,  
BOWERS HARBOR VINEYARD & WINERY, INC, BRY'S WINERY, LLC, CHATEAU  
GRAND TRAVERSE, LTD, CHATEAU OPERATIONS, LTD, GRAPE HARBOR, INC.,  
MONTAGUE DEVELOPMENT, LLC, OV THE FARM, LLC, TABONE VINEYARDS, LLC.,

TWO LADS, LLC, VILLA MARI LLC, WINERY AT BLACK STAR FARMS, L.L.C., (collectively “Plaintiffs”), by and through their attorneys, Miller, Canfield, Paddock and Stone, P.L.C. move pursuant to Fed. R. Civ. P. 56 for summary judgment on Count VIII of their First Amended Complaint as there is no genuine issue of material fact and Plaintiffs are entitled to judgment as a matter of law. Plaintiffs rely on the attached Brief in Support of Motion for Partial Summary Judgment and the Exhibits thereto in support of the relief requested.

WHEREFORE, Plaintiffs respectfully requests that this Court enter a judgment in their favor and find Sections 6.7.2(19)(a), 6.7.2(19)(b)(1)(iv), 8.7.3(10)(u)(2)(a)-(c), 8.7.3(10)(u)(2)(e), 8.7.3(10)(u)(5)(b), 8.7.3(10)(u)(5)(g) and 8.7.3(10)(u)(5)(i) of Peninsula Township’s Ordinances are preempted by Michigan law and award Plaintiffs’ their costs and attorneys’ fees incurred in bringing this action.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.

By: /s/ Joseph M. Infante  
Joseph M. Infante (P68719)  
Stephen M. Ragatzki (P81952)  
Christopher J. Gartman (P83286)  
99 Monroe Avenue NW, Suite 1200  
Grand Rapids, MI 49503  
(616) 776-6333  
infante@millercanfield.com  
gartman@millercanfield.com

Dated: April 14, 2021